IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4133 OF 2007

Baliram Laxman Gajmal & ors..... Petitioner

versus

Saf Yeast Company Pvt. Ltd..... Respondent.

Shri N.A.Kulkarni for the petitioner
Shri S.M.Gorwadkar for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 18TH JUNE, 2007

P.C.;

1. Rule. Rule made returnable forthwith. By consent of parties taken up for final hearing.

2. The petitioners were issued transfer orders and hence they filed complaint ULP Nos.37 to 40 of 2007. In the pending complaint, an applicaiton was moved under section 30(2) of MRTU & PULP Act. The management appeared before the Industrial Court and assured that the transfer of the petitioners would be only for a short period of six months,in view of the administrative exigencies and after completion of a period of six months, the petitioners will be brought back at the parent plant at Chiplun. In view of the said undertaking/assurance given by the respondent the Industrial court has declined to grant stay of the

transfer order. However it made it clear that the transfer of the petitioners would be only for a period of six months from the date of their joining at the transferred place and thereafter the respondent shall bring them back at the parent plant. The learned counsel for the petitioner had expressed his reservation about the availability of accomodation at the transferred place for the petitioners. The learned counsel for the respondent has placed on record a communication received by him from his client dated 7-6-2007 which unequivocally stated that the petitioners will be provided suitable accommodation at the place of their transfer. The said communication is taken on record. It is this order which has been challenged by filing the present writ petition.

3. The learned counsel for the petitioner assures that the petitioners will join at the transferred place within two weeks, except the petitioner no.4 as presently he is advised rest by the medical practitioner on account of he suffering from spondilities. The learned counsel for the petitioner submits that the petitioner no.4 will make an appropriate application to the respondent and the learned counsel for the respondent submits that the same will be appropriately considered having regard to the medical opinion. Thus barring petitioner no.4 all

other petitioners are in a position to join at the transferred place within a period of two weeks.

4. The counsel for the petitioner has pointed out that for non compliance of the order passed by the Industial court, the respondent has proceededagainst petitioners by issuing a show cause notice and a charge sheet, with a view to hold a departmental enquiry. The subject matter of the charge sheet is only in relation to not reporting for duty at the transferred place. In view of the statement made by the lerned counsel for the petitioner, that they would resum the duties the learned counsel for the respondent assures this court not to proceed with the enquiry on that count. In this view of the matter the learned counsel for the petitioner does not press the petition and the same is disposed of as not pressed.

5. In view of the disposal of the writ petition, Civil application does not survive and the same is also disposed of as such.

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